

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

2015 FEB -3 PM 3: 23

KATRICE SUTHERLAND and
TIMOTHY SUTHERLAND
Plaintiffs

V.

CHRISTINE WOLF
Defendant

BY  CLERK
DEPUTY CLERK

Civil Action

Docket No. 1:15-cv-24

COMPLAINT

NOW COMES the Plaintiffs, Katrice Sutherland and Timothy Sutherland, by and through their attorneys Anderson & Eaton, P.C., and complain against the Defendant, Christine Wolf, as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, since the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and the parties involved are citizens of different states or countries.

2. Venue properly rests in the District of Vermont, pursuant to 28 U.S.C. § 1391 (a) since the events giving rise to the instant claims occurred in this district and the Defendant resides in this district.

PARTIES

3. Plaintiffs reside in Lancaster, New Hampshire.

4. Defendant Christine Wolf resides in Brownington, Vermont.

STATEMENT OF THE CASE

5. On 2/22/12, at approximately 7:30 a.m. in Derby, Vermont, Plaintiff Katrice Sutherland was a passenger in a vehicle driven by Laurie Hay which was struck from behind by a vehicle driven by Defendant.

6. At Exit 27 off I-91 while intending to merge onto US-5, Laurie Hay came upon a yield sign and slowed to a stop.

7. Defendant was following Ms. Hay and Plaintiff Katrice Sutherland on the same exit ramp and struck them as they were stopped.

8. Plaintiff was 6 weeks pregnant at the time of the accident and after the impact felt anxiety, tension and tightening in her upper and lower back, as well as abdominal cramping which made her fearful of a possible miscarriage.

9. Plaintiff and Laurie Hay were both seen in the emergency room at North Country Hospital in Newport, Vermont.

10. Plaintiff was seen by Dr. Marc Bouchard who informed her that due to her pregnancy, he could not order x-rays or prescribe narcotics for the pain, and that if she did start to miscarry, there would be no way to prevent it.

11. Plaintiff stressed over the potential loss of the fetus and was extremely anxious particularly when she experienced additional abdominal cramping.

12. At 10 weeks of pregnancy, the fetus was nonviable and Plaintiff was distraught over the loss which she emotionally connected to the motor vehicle accident.

13. Even though Plaintiff was informed that losing the fetus was caused by genetic issues, Plaintiff accepted the loss as caused by the motor vehicle accident and suffered enduring stress and anguish over same.

14. In addition to the mental anguish Plaintiff incurred, she also suffered injury to her spine and other physical ailments, all resultant from the aforesaid motor vehicle accident.

COUNT I – (Negligence)

15. The preceding paragraphs 1 through 14 are re-alleged and incorporated herein by reference as if fully set forth herein.

16. Defendant owed Plaintiff a duty of care while operating her motor vehicle, to wit: Defendant was obligated to use reasonable care and maintain a safe and suitable distance between vehicles to avoid a collision.

17. Defendant breached said duty of care by failing to do so and struck the vehicle Plaintiff was riding in.

18. As a direct and proximate result of Defendant's breach of care, Plaintiff was injured as aforesaid.

COUNT II – (Loss of Consortium)

19. The preceding paragraphs 1 through 18 are re-alleged and incorporated herein by reference as if fully set forth in this Count II.

20. Plaintiff Timothy Sutherland is the lawful husband of Plaintiff Katrice Sutherland and was at the time of the motor vehicle accident.

21. As a result of his wife's injuries, Plaintiff Timothy Sutherland has suffered and will suffer loss of consortium damages.

WHEREFORE, Plaintiff Katrice Sutherland has incurred and will continue to incur, medical expenses and other expenses, pain and suffering, permanency, mental anguish, and loss of enjoyment of life and Plaintiff Timothy Sutherland has and will incur loss of consortium damages and Plaintiffs

demand judgment in their favor in an amount in excess of the jurisdictional limits of this Court together with interest, including pre-judgment interest, costs and other relief this Court deems proper.

DATED at Rutland, Vermont this 3rd day of February, 2015.

Katrice Sutherland
Timothy Sutherland

BY: 

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